

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF TEXAS

Case number (if known) Chapter **11**☐ Check if this an amended filing

## Official Form 201

**Voluntary Petition for Non-Individuals Filing for Bankruptcy**

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name **Burkhalter Transport, Inc.**

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) **64-0822096**

4. Debtor's address

Principal place of business

**16525 FM 521  
Rosharon, TX 77583**

Number, Street, City, State &amp; ZIP Code

**Brazoria**  
County

Mailing address, if different from principal place of business

**P O Box 9360  
Columbus, MS 39701**

P.O. Box, Number, Street, City, State &amp; ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State &amp; ZIP Code

5. Debtor's website (URL) **www.burkhalter.net**

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))☐ Partnership (excluding LLP)☐ Other. Specify: \_\_\_\_\_

Debtor **Burkhalter Transport, Inc.**  
Name

Case number (if known)

**7. Describe debtor's business****A. Check one:**

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

**B. Check all that apply**

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

**C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.**See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.2379**8. Under which chapter of the Bankruptcy Code is the debtor filing?****Check one:**

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. **Check all that apply:**

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

- ☒ No.
- ☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

**10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?**

- ☐ No
- ☒ Yes.

List all cases. If more than 1, attach a separate list

Debtor	<b>See Attached Rider 1</b>	Relationship	<b>Affiliate</b>
District	<b>Southern District of Texas</b>	When	_____
		Case number, if known	_____

Debtor **Burkhalter Transport, Inc.**  
Name

Case number (if known)

**11. Why is the case filed in this district?***Check all that apply:*

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

**12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**☒ No☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.**Why does the property need immediate attention?** *(Check all that apply.)*☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? \_\_\_\_\_

☐ It needs to be physically secured or protected from the weather.☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).☐ Other \_\_\_\_\_**Where is the property?** \_\_\_\_\_

Number, Street, City, State &amp; ZIP Code

**Is the property insured?**☐ No☐ Yes. Insurance agency \_\_\_\_\_

Contact name \_\_\_\_\_

Phone \_\_\_\_\_

**Statistical and administrative information****13. Debtor's estimation of available funds***Check one:*

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

**14. Estimated number of creditors**☒ 1-49☐ 50-99☐ 100-199☐ 200-999☐ 1,000-5,000☐ 5001-10,000☐ 10,001-25,000☐ 25,001-50,000☐ 50,001-100,000☐ More than 100,000**15. Estimated Assets**☒ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☐ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion**16. Estimated liabilities**☒ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☐ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion

Debtor **Burkhalter Transport, Inc.**  
Name

Case number (if known)

**Request for Relief, Declaration, and Signatures****WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **January 31, 2019**  
MM / DD / YYYY**X /s/ Delynn Burkhalter**  
Signature of authorized representative of debtor**Delynn Burkhalter**  
Printed nameTitle **CEO****18. Signature of attorney****X /s/ Marcus A. Helt**  
Signature of attorney for debtorDate **January 31, 2019**  
MM / DD / YYYY**Marcus A. Helt**  
Printed name**Foley & Lardner LLP**  
Firm name**2021 McKinney Avenue**  
**Suite 1600**  
**Dallas, TX 75201**  
Number, Street, City, State & ZIP Code

Contact phone \_\_\_\_\_ Email address \_\_\_\_\_

**24052187 TX**  
Bar number and State

**Fill in this information to identify the case:**

Debtor 1	<u>BURKHALTER TRANSPORT INC.</u>		
	First Name	Middle Name	Last Name
Debtor 2			
(Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	<u>SOUTHERN DISTRICT OF TEXAS</u>		
Case number			Chapter <u>11</u>
(if known)			

**Rider 1****Pending Bankruptcy Cases Filed by the Debtor and Affiliates of the Debtor**

On the date hereof, each of the entities listed below (collectively, the "Debtors") filed a petition in the United States Bankruptcy Court for the Southern District of Texas for relief under chapter 11 of the title 11 of the United States Code. The Debtors have moved for joint administration of these cases under the case number assigned to the chapter 11 case of Burkhalter Rigging Inc.

1. Burkhalter Rigging Inc.
2. Burkhalter Specialized Transport LLC
3. Burkhalter Transport Inc.

**Fill in this information to identify the case:**

Debtor name Burkhalter Rigging, Inc., et al.  
 United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF TEXAS**  
 Case number (if known): \_\_\_\_\_

☐ Check if this is an  
 amended filing

**Official Form 204****Chapter 11 or Chapter 9 Cases: Consolidated List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
TORTORIGI HAULING INC PO BOX 13 Trussville, AL 35173	Joseph Tortorigi Joseph@Tortorigi.com 205-655-8785	Trade Debt	Unliquidated			\$545,751.00
MCDONOUGH MARINE SERVICE 3500 N CAUSEWAY BLVD SUITE 900 Manvel, TX 77578	Christine Wale Cwale@mcdonoug hmarine.com 504-780-8100	Trade Debt	Unliquidated			\$533,361.95
FAGIOLI INC 21310 HWY 6 Manvel, TX 77578	Federico Dallaglio f.dallaglio@fagioli.com 281-997-3434	Trade Debt	Unliquidated			\$401,688.00
BUCKNER HEAVYLIFT CRANES LLC 4732 NC 54 E Graham, NC 27253	Michael Holt michaelh@buckner companies.com 336-376-8888	Trade Debt	Contingent Disputed			\$389,138.37
HOVAGO GALVANISTRAAT 35 3316 GH DORDRECHT THE NETHERLANDS	Marcel Riemslag Riemslag@hovago.com 31-10-892-0475	Trade Debt	Unliquidated			\$357,000.00
TRINITY LOGISTICS INC PO BOX 62702 Baltimore, MD 21264-2702	Hannah Rogers hannah.rogers@tri nitylogistics.com 302-536-2466	Trade Debt	Unliquidated			\$348,530.74
MAXIM CRANE WORKS LOCKBOX 774389 4389 SOLUTIONS CENTER Chicago, IL 60677	Kelly Shelton kshelton@maximcr ane.com 979-233-6361	Trade Debt	Unliquidated			\$321,237.65

Debtor **Burkhalter Rigging, Inc., et al.**  
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
<b>CAPITAL CITY GROUP, INC.</b> 2299 Performance Way Columbus, OH 43209	Nick Salvatore nsalvatore@ccgroup-inc.com 614-278-2120	Trade Debt	Disputed			<b>\$272,418.75</b>
<b>CREATIVE LODGING SOLUTIONS LLC</b> PO BOX 896065 Charlotte, NC 28289	Lindsey Herrington lindsey.herrington@yourcls.com 859-381-1825	Trade Debt	Unliquidated			<b>\$242,971.61</b>
<b>RITTER FOREST PRODUCTS INC</b> PO BOX 1265 Nederland, TX 77627	Sharon Hartford sharon@ritterlumber.net 713-673-4800	Trade Debt	Unliquidated			<b>\$223,517.15</b>
<b>RISS CARGO MANAGEMENT</b> ONE ST LOUIS CENTRE SUITE 5000 Mobile, AL 36602	Christi Smith csmith@risscargo.com 251-219-3348	Trade Debt	Unliquidated			<b>\$164,225.75</b>
<b>CERES CONSULTING LLC</b> 3808 COOKSON ROAD East Saint Louis, IL 62201	Diana Szolga dianas@ceresbargaine.com 618-271-7903	Trade Debt				<b>\$139,800.93</b>
<b>FLEET MANAGEMENT</b> 221 N HOGAN ST SUITE 367 Jacksonville, FL 32202	Heather Dale heather@fmsgl.com 904-516-9940	Trade Debt	Unliquidated			<b>\$119,945.00</b>
<b>HEATH &amp; LINEBACK ENGINEERS INC</b> 2390 CANTON RD BUILDING 200 Marietta, GA 30066	PZACHARY@HEATH-LINEBACK.COM 770-424-1668	Professional Services	Unliquidated			<b>\$118,500.00</b>
<b>ROADRUNNER TRANSPORTATION</b> PO BOX 95000 Chicago, IL 60694-5000	Michael Wildt mwildt@ascentgl.com 888-656-8848	Trade Debt	Unliquidated			<b>\$115,968.75</b>
<b>CENTRAL BOAT RENTALS INC</b> PO BOX 2545 Morgan City, LA 70381	Don Orlando don@centralboat.com 985-384-8200	Trade Debt	Unliquidated			<b>\$104,269.00</b>

Debtor **Burkhalter Rigging, Inc., et al.**  
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
AMERICAN MAT & TIMBER CO PO BOX 262448 Houston, TX 77207	Cindy Andrews  candrews@americ anmatandtiber.co m 713-645-0694	Trade Debt	Unliquidated			\$104,257.34
THOMA ENGINEERING LLC 8784 S. County Rd., 33 Dothan, AL 36301		Trade debt				\$76,187.50
KENCO BUCKET TRUCKS LLC PO BOX 3140 DEPT 450 Houston, TX 77253	Randy Starnes  randy@highloads.c om 281-459-3100	Trade debt				\$75,854.35
DOZIER CRANE INC. 156 PINE BARREN RD Pooler, GA 31322	John Schenger  912-748-2684	Trade Debt				\$75,564.06



**United States Bankruptcy Court  
Southern District of Texas**

In re **Burkhalter Transport, Inc.**

Debtor(s)

Case No.  
Chapter**11**

**LIST OF EQUITY SECURITY HOLDERS**

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
<b>DELYNN BURKHALTER c/o Burkhalter Rigging, Inc. 2193 Highway 45 South Columbus, MS 39701</b>	<b>Common Stock</b>	<b>100 (100%)</b>	<b>Common</b>

**DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP**

I, the **CEO** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date **January 31, 2019**Signature **/s/ Delynn Burkhalter  
Delynn Burkhalter**

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.  
18 U.S.C. §§ 152 and 3571.*

**United States Bankruptcy Court  
Southern District of Texas**

In re **Burkhalter Transport, Inc.**

Debtor(s)

Case No.

Chapter

**11**

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Burkhalter Transport, Inc.** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

■ None [*Check if applicable*]

**January 31, 2019**

Date

**/s/ Marcus A. Helt****Marcus A. Helt**

Signature of Attorney or Litigant  
Counsel for **Burkhalter Transport, Inc.**

**Foley & Lardner LLP****2021 McKinney Avenue****Suite 1600****Dallas, TX 75201**

**Fill in this information to identify the case:**Debtor name Burkhalter Transport, Inc.United States Bankruptcy Court for the: SOUTHERN DISTRICT OF TEXAS

Case number (if known) \_\_\_\_\_

☐ Check if this is an amended filing

Official Form 202

**Declaration Under Penalty of Perjury for Non-Individual Debtors**

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

**WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**

**Declaration and signature**

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ Amended Schedule \_\_\_\_\_
- ☒ *Chapter 11 or Chapter 9 Cases: Consolidated List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☒ Other document that requires a declaration **List of Equity Security Holders and Corporate Ownership Statement**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 31, 2019**X /s/ Delynn Burkhalter**

Signature of individual signing on behalf of debtor

**Delynn Burkhalter**

Printed name

**CEO**

Position or relationship to debtor

**WRITTEN CONSENT OF DIRECTORS  
OF BURKHALTER TRANSPORT, INC.**

The undersigned, Directors of Burkhalter Transport, Inc. (“BTI”), a Mississippi corporation (the “Company”), hereby authorize, approve, consent to, and adopt the following resolutions without a meeting, such actions and resolutions to have the same force and effect as though duly taken and adopted at a special meeting of the Directors of the Company duly called and legally held for the purpose of acting upon proposals to adopt such resolutions:

**GENERAL AUTHORIZATION AND RATIFICATION**

**WHEREAS**, in the judgment of the Directors of the Company, it is desirable and in the best interests of the Company, its creditors, and other interested parties that a petition be filed by the Company seeking relief under the provisions of chapter 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”).

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Officers of the Company are hereby authorized, directed, and empowered, on behalf of and in the name of the Company, to execute and verify a petition in the name of the Company under chapter 11 of the Bankruptcy Code (“Chapter 11”) and to cause the same to be filed in the United States Bankruptcy Court for the Southern District of Texas in such form and at such time as the Officers executing said petition shall determine;

**RESOLVED FURTHER**, the Officers, or any one of them be, and each hereby is, authorized, directed and empowered, on behalf of and in the name of the Company to employ and retain the law firm of Foley Gardere (“Foley”), 2101 McKinney Avenue, Suite 1600, Dallas, Texas 75201 as bankruptcy counsel for the Company in the Chapter 11 case;

**RESOLVED FURTHER**, that the Officers, or any one of them be, and each hereby is, authorized, directed and empowered, on behalf of and in the name of the Company to employ and retain such further legal, financial, accounting and bankruptcy services firms (together with Foley, the “Professionals”) as may be deemed necessary or appropriate by the Officers for the Chapter 11 case;

**RESOLVED FURTHER**, that all acts lawfully done or actions lawfully taken by any Officer of the Company or any of the Professionals to seek relief on behalf of the Company under Chapter 11 or in connection with such proceeding, or any matter related thereto, be and hereby are, adopted, ratified, confirmed, and approved in all respects as the acts and deeds of the Company; and

**RESOLVED FURTHER**, that the Officers be, and each of them hereby is, authorized and empowered, with full power of delegations, for and in the name and on behalf of the Company to amend, supplement or otherwise modify from time to time the terms of any documents, certificates, instruments, agreements or other writings referred to in the foregoing resolutions.

**RESOLVED FURTHER**, that Burkhalter Rigging Inc. shall appoint a chief restructuring officer (“CRO”), with the CRO being authorized to (a) construct a budget, review disbursements, and create variance reports, (b) assist the Company’s management with all issues related to executing a restructuring, (c) provide court testimony as required, (d) assist with managing vendor relationships, (e) work with the Company’s investment bank to optimize capital structure and assess strategic alternatives, and (g) provide other related services as requested by the Company.

*[Signature page to follow]*

**IN WITNESS WHEREOF**, this Written Consent is executed as of this 31st day of January 2019,

Delynn Burkhalter, individually



Brooke Burkhalter, individually

